Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for	)	**CG Docket No. 03-123**
Individuals with Hearing and Speech Disabilities	)	
	)	
Access to Emergency Services	)	
	)	

COMMENTS OF SPRINT NEXTEL CORPORATION

Michael B. Fingerhut
Vonya B. McCann
401 9th Street NW, Suite 400
Washington, D.C. 20004
(202) 585-1909

Counsel for Sprint Nextel Corporation

February 22, 2006

TABLE OF CONTENTS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for	)	CG Docket No. 03-123
Individuals with Hearing and Speech Disabilities	)	
	)	
Access to Emergency Services	)	
	)	

COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation ("Sprint"), on behalf of the Telecommunications Relay Services ("TRS") operations of its subsidiary, Sprint Communications Company L.P., hereby respectfully submits its comments on the *Notice of Proposed Rulemaking* ("*NPRM*"), 20 FCC Rcd 19476 (2005),issued in the above-captioned proceeding. Sprint discusses, *seriatim,* below the issues raised in the *NPRM.*

I. INTRODUCTION AND SUMMARY

Although Public Safety Answering Points (PSAPs) are supposed to have the equipment necessary to be able to receive emergency calls directly for the deaf and hard-of-hearing using TTY machines, the Commission nonetheless has, since the inception of TRS in 1993, required providers of traditional TTY-based TRS "to handle emergency calls if a person chose to make an emergency call through the TRS center." *NPRM* at ¶9. The provision of emergency services to TTY users by TRS providers did present some technical challenges especially after the Commission in its *Improved TRS Order*, 15 FCC Rcd 5140 (2000) required (1) that a Communications Assistant ("CA") "be able to match the incoming caller's telephone number with the appropriate PSAP electronically, so that the CA can quickly make the outbound call to

the PSAP" and (2) that a CA be able "to pass along the caller's telephone number to the PSAP orally when the caller disconnects before being connected to emergency services." *NPRM* at ¶11.[1] But Sprint certainly, and presumably other providers of traditional TTY-based TRS, have been able to meet these expanded requirements for the provision of emergency services.

TTY-based TRS is no longer the only or even pre-dominate TRS service now available to the deaf and hard-of hearing community. Rather, the deaf and hard-of-hearing individuals are increasingly using Video Relay Services ("VRS") and Internet Relay to meet their telecommunications needs. While these IP-enabled services offer their users a number of significant benefits that are simply not available with traditional TTY-based service, *see NPRM* at ¶¶ 5 & 6, they do not offer users a ready means to obtain emergency services through the VRS or Internet Relay provider's center. This is so because users of these services gain access to the provider's center via the Internet rather than by phone. Such access deprives the providers of Internet Relay and VRS of the necessary information, *i.e.,* automatic number identification ("ANI"), with which to determine the location of the caller so that the CA is able to transfer the call to the appropriate PSAP. The waivers from the requirement that TRS providers must handle emergency calls that the Commission has granted providers of VRS and Internet Relay are based on this shortcoming.[2] They "reflect the recognition that, at present, it is unlikely to be

---

[1] Originally a CA was required to send the call to the PSAP nearest the location of the caller. In a 2003 decision in this docket (*TRS Second Improved Report and Order*, 18 FCC Rcd 12379) the Commission "clarified that TRS providers must route emergency TRS calls to the 'appropriate' PSAP and required TRS providers to adjust their databases accordingly." *NPRM* at ¶12.

[2] Sprint receives calls from VRS and Internet Relay users seeking emergency services. Rather than telling such users to call the PSAP directly using a TTY device, which such user may no longer have in light of the availability of IP-enabled services, Sprint has procedures in

Footnote continues on next page.

technologically feasible for VRS or IP Relay providers to automatically determine the location of the calling party because the Internet address associated with the incoming 'call' to the relay center does not contain identifying information." *NPRM* at ¶17.

The instant rulemaking seeks to end these waivers by "adopt[ing] a means of ensuring that [VRS and Internet Relay] calls promptly reach the appropriate emergency service provider." *NPRM* at ¶18. And apparently the Commission's preferred means for doing so is "the Registered Location requirement adopted in the *VoIP E911 Order*."[4] Thus the Commission "seek[s] comment on whether [it] should require VRS and [Internet] Relay providers to establish a registration process whereby VRS and [Internet] Relay users provide, in advance, the primary location from which they will be making VRS or [Internet] Relay calls, so that a CA can identify the appropriate PSAP to contact." *NPRM* at ¶19. As more fully explained below, Sprint does not believe that the registration requirement imposed on VoIP providers can as a practical matter, or should, be imposed on VRS and Internet Relay providers. Because users of VRS and Internet Relay services need not subscribe to a particular provider in order to make VRS or Internet Relay calls – such services are provided free to end users – most VRS and Internet Relay providers

---

place under which CAs seeks to obtain enough information from these callers so that the CAs can call an appropriate PSAP and relay the call between the end user and PSAP personnel. Sprint's procedures may take a little more time to reach the appropriate PSAP than would be case if the user called the PSAP directly using a TTY. However, such procedures are more preferable than denying deaf and hard-of-hearing individuals access to emergency services altogether.

[4] *IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, 20 FCC Rcd 10245 (2005).

have no "hook" to compel an end user to register his or her location.[5] At least a VoIP provider is able to include a registration form in the package of materials that an end user must complete when subscribing to the VoIP provider's service.[6]

Moreover, enforcement of a registration program would be problematic at best. Again because there is no subscriber/provider relationship, the VRS and Internet Relay provider presumably would, as part of the call-set-up process, have to ask every user whether he or she has registered each time the end user used the provider's services. If the person responded that he was registered, the provider would likely process the call without verifying such response since the provider is paid by the Interstate TRS Fund for the time spent in relaying a call and not the time spent in setting up the call. If the CA nonetheless delayed connecting the call in order to determine whether the caller was registered, the end user could simply disconnect the call and access another provider of Internet-based TRS services who may be willing to accept at face value the caller's statement regarding registration so that the provider would be able to be paid by the Interstate TRS Fund for relaying the call.[7]

---

[5] Sorenson may be the only VRS provider to secure such registration since Sprint understands that Sorenson continues to require an end user sign an agreement before providing the necessary equipment to enable an end user to use Sorenson's VRS service. Moreover, Sprint understands that VRS users who receive Sorenson equipment cannot, at least at the present time, use such equipment to access other VRS providers.

[6] The Commission's *VoIP E911 Order* requires that VoIP providers obtain registrations from all of their subscribers. In fact, the Commission may order VoIP providers to discontinue the provision of service to their subscribers who do not register. At least, it has hinted as much. *See Public Notice*, DA 05-2945, released November 7, 2005 at 5.

[7] If the Commission required that every VRS and Internet Relay provider verify that the caller had registered his location during the call set-up process, the providers should be able to costs of performing such act from the Interstate TRS Fund.

Sprint, of course, recognizes the critical importance of providing access to emergency services to deaf and hard-of-hearing individuals who are in ever increasing numbers electing to use the IP-based offerings of VRS or Internet Relay to reach a TRS provider's center in order to make telephone calls. However, Sprint is concerned about the Commission's "one-size-fits-all" approach to this issue. Given the different user/provider relationships involved in the provision of IP-enabled services to which the user has to subscribe and IP-enabled TRS services which are free to the user, the registration regime that was adopted for the former may not be easily adapted to the latter. Sprint therefore recommends that the Commission forego prescribing a top-down approach and instead encourage the deaf and hard-of hearing community to address the issue of emergency services for those individuals using the IP-enabled services being offered by TRS providers for their communications.[8]

II. DISCUSSION

A. User Registration

The main issue being considered in this proceeding is whether the Commission "should require VRS and IP Relay providers to establish a registration process whereby VRS and [Internet] Relay users provide, in advance, the primary location from which they will be making VRS or [Internet] Relay calls, so that a CA can identify the appropriate PSAP to contact." *NPRM* at ¶19. Such requirement would be similar, if not identical, to the "Registered Location" requirement prescribed in the *VoIP E911 Order* under which "interconnected VoIP services,

---

[8] One such effort is being led by NorCal Center which is seeking to establish a broad coalition of users, vendors, PSAPs and governmental entities to deal with the issue of access to E911 emergency services by deaf and hard-of-hearing individuals.

providers must obtain the primary location from which calls will be placed prior to initiating a consumer's service" and must also provide a way for users to update that location information." *Id.*

Sprint believes the Registered Location rules imposed on providers of interconnected VoIP services cannot easily be adapted to providers of VRS and Internet Relay service, if at all. Unlike users of VoIP services, deaf or hard-of-hearing individuals need not subscribe to any particular provider in order to make a VRS or Internet Relay call. Rather, they can access any number of providers to make such calls. Providers of VRS and Internet Relay services are compensated for the costs they incur in providing such services by the Interstate TRS Fund and not by the users of the services. Accordingly, these providers do not have billing information or contracts with callers that could be used to generate registered locations.

Even if the Commission were to require carriers to request a registered location of any potential caller, privacy concerns may cause the end user to supply inaccurate information to the VRS or Internet Relay provider.[9] These privacy concerns are greater than in the VoIP context because the services are being provided through government funded programs rather than the traditional carrier/subscriber relationship in which an end-user must turn over financial and billing information to establish a customer relationship. Because it is footing the bill, the government may assert that it is entitled to review the registered location information of the VRS and Internet Relay users. And, to make matters worse, providers of VRS and Internet Relay

---

[9] Sprint recognizes that if end users were to provide inaccurate location information, they run the risk of not obtaining access to emergency services in a timely manner. However, some may place a higher priority preserving their privacy. Moreover, these individuals may believe that they could always give their location to the CA when needing emergency services.

services would have limited ability, if any, to ensure the accuracy of the information provided since there is no provider/subscriber relationship.[10]

It is also somewhat curious that the Commission would require providers of VRS and Internet Relay services to obtain and register location information from the users of their services when the Commission appears to acknowledge the likelihood that CAs will still have to ask for and obtain the location of every caller seeking emergency services.[11] This is especially the case when the deaf or hard-of-hearing caller is using a handheld wireless device such as a phone or laptop computer to access the Internet Relay provider's center.[12] In short, registered location information would be of limited value and probably would not speed-up the process of connecting the caller to the appropriate PSAP in any appreciable way.

Other proposals based on the registered location regulatory framework developed in the *VoIP E911 Order* are equally problematic. For example, VRS and Internet Relay providers cannot solicit affirmative acknowledgements by users in advance, because such providers do not

---

[10] A number of the Commission's questions go to the issue of privacy. Sprint will leave it to the users of VRS and Internet Relay services to explain if they have any privacy concerns about furnishing location information to their VRS or Internet Relay provider. Sprint would point out, however, that all of its CAs understand the requirement that the content of relay calls must be kept confidential. Moreover Sprint utilizes 128bit SSL Encryption for calls between the end user and its web server. Such encryption is the industry standard for protecting the security of communications.

[11] *See NPRM* at ¶21 where the Commission asks for comments on whether "users [should] be required to affirmatively acknowledge whether they are at their Registered Location each time they initiate a call, and if they are not at their Registered Location, be prompted or required to provide their present location."

[12] The Commission states "that VRS equipment, because it requires a video screen or television monitor, tends to remain at the same location." NPRM at ¶21. This may well be the case today. However, there are small cameras in the marketplace that can readily be attached to a laptop and are easily transportable in a laptop case. Thus, Sprint doubts that a VRS user must be at his registered location in order to access the VRS provider's center.

know in advance who the users of their services will be.[13] At most carriers can warn of the limitations of their 911 services on their Internet sites (which they do). Moreover it is impractical to require VRS and Internet Relay providers distribute "warning labels for installation of CPE used in connection with VRS and [Internet] Relay services." *NPRM* at ¶22. . The end user may use multiple VRS or Internet Relay providers on the same device, each with its own limitations, resulting in multiple stickers which may or may not provide the same information. Again, because the service is free to the end user, the one-to-one relationship between customer and provider simply does not exist. The most direct means of providing these warnings is through the provider's website each and every time a user logs on to that site.

B. PSAP Database

The Commission requires providers of traditional TRS services to maintain, update and use "PSAP databases to determine the appropriate PSAP to call in relaying an emergency call." Each such provider is required to have its own database instead of "a single national PSAP database" since "no national database exists for routing 911 calls." *NPRM* at 25. Unfortunately the existing PSAP databases cannot be used by VRS and Internet Relay providers handling emergency calls for the rather simple reason that such databases associate PSAPs with the NPA-NXX of the calling party. For example, PSAP A is designated as the appropriate PSAP for callers with a NPA-NXX of 202-585 while PSAP B is the appropriate PSAP for callers with the

---

[13] The Commission asks whether "VRS and IP Relay calls could be structured in such a way that they necessarily include a VoIP call, therefore allowing registration for interconnected VoIP calls to satisfy the registration requirement for users of VRS and [Internet] Relay. *NPRM* at ¶24. Sprint notes that this may not be a viable solution at least for Internet Relay since users can access an Internet Relay's provider's site and make calls with a dial-up modem. Stated differently, users do not have to have a broadband connection or subscribe to VoIP service in order to make Internet Relay calls.

NPA-NXX of 202-363. Plainly, such databases would not be "sufficient in the context of VRS and [Internet] Relay providers" since there is no phone number associated with the user's IP address. Thus VRS and Internet Relay providers would have construct a new database if the Commission determines that a PSAP database is necessary to enable VRS and Internet Relay providers to handle emergency calls.[14] In this regard, Sprint believes that national database maintained and administered by a third party be developed. All costs associated with such database would be borne by the Interstate TRS Fund and if providers are charged a fee for accessing the database, they would be able to recoup such costs from the Interstate TRS Fund.

C. Priority Access to Emergency Calls

As the Commission has observed, the possibility exists that a CA, especially during peak calling periods "may not be immediately available to handle an incoming VRS or [Internet] Relay call and, as a result, the caller may be put in a queue to wait for the next available CA." *NPRM* at ¶26. Thus the Commission has asked for comments "on whether and how VRS and [Internet] Relay providers may identify incoming calls as emergency calls so that such calls can promptly be directed to a CA without waiting in a queue." *Id.*

Sprint believes that the need to establish a "priority access" regime for Internet Relay is not necessary given the Commission's answer speed requirements for that service. *NPRM* at fn. 80. The need for such a regime in the case of VRS also may not be as pressing as once thought in light of the fact that the Commission has now mandated answer speeds for VRS. The

---

[14] Sprint does not know whether such a database is readily-achievable given the complexities that arise with dynamic IP addressing and given that matching the appropriate PSAP with a registered location may be difficult at best and, if the Master Street Address Guide is used for such matching may produce inaccurate results.

Commission's suggests that 80/120 VRS answer speed standard, which will become effective on January 1, 2007, may be too long in an emergency. If such is the case, however, the solution is to further tighten the VRS answer speed standard and not require providers to undertake what may be costly modifications to their systems in order to implement some sort of priority access for emergency calls.

D. Multiple Providers

If the Commission or perhaps the deaf and hard-of hearing community decides that the benefits of implementing a location registration scheme for the handling of emergency calls by VRS and Internet relay users outweigh the costs, Sprint recommends that the Commission authorize the establishment of a "shared database …that could be accessed by all providers." *NPRM* at ¶27. Outreach programs would encourage VRS and Internet Relay users to register with the entity chosen to develop and maintain the database. In this regard, VRS and Internet Relay providers could provide links on their websites to the registration page on the administrator's website thereby affording users a convenient way to register their primary locations. Moreover, participation by end users may be higher if they only had to register their primary location once with the administrator of the centralized database and not multiple times which would be the case if the Commission were to require each VRS and Internet Relay provider to establish its own registered location database. And, the overall costs of a centralized database are likely to be less than individual databases, minimizing the impact on the Interstate TRS Fund which, of course, would have to finance such databases.

E. Registration and Jurisdictional Separation of Costs

Currently, all VRS and Internet Relay calls are paid for by the Interstate TRS Fund. This is so "because one leg of the call is via the Internet," and thus it is "not possible for a provider to

determine if a particular call is interstate or intrastate." *NPRM* at ¶28. The Commission, however, has for some time now explored whether it is possible to "apply[] jurisdictional separation of costs to VRS and [Internet] Relay calls" and as part of its consideration of this issue has asked for "comment on whether a registration requirement for emergency call handling could also be used as a mechanism to allocate TRS costs between the interstate and intrastate jurisdictions for the purpose of payments from the Interstate TRS Fund." *Id.* at ¶29. Because VRS and Internet Relay services are IP-enabled, Sprint believes that any decision as to whether the Commission should seek to separate on a jurisdictional basis the costs of providing these services should await a Commission decision on the regulatory treatment of other IP-enabled services currently being considered in its *IP-Enabled Services Proceeding* in WC Docket No. 04-36, (19 FCC Rcd 4863 (2004)).

F. Timelines

If the Commission decides to require the establishment of a registered location database, Sprint believes that the Commission should allow providers at least 18 months in which to meet such requirement. The time is necessary to enable the providers to select the database administrator, develop and being the process of populating the database, establish connection points to the database etc.

Respectfully submitted,

SPRINT NEXTEL CORPORATION

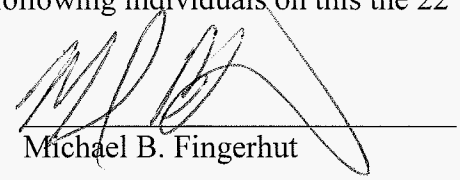
Michael B. Fingerhut
Vonya B. McCann
401 9th Street NW, Suite 400
Washington, D.C. 20004
(202) 585-1909

Its Attorneys

February 22, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing COMMENTS OF SPRINT NEXTEL CORPORATION in CG Docket No. 03-123 was filed via the Commission's Electronic Comment Filing System and sent via email to the following individuals on this the 22th day of February 2006 to the parties listed below.



Michael B. Fingerhut

February 22, 2006

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington D.C. 20554

Monica Desai
Chief, Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington D.C. 20554

Jay Keithley
Deputy Chief
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington D.C. 20554

Thomas Chandler
Chief, Disabilities Rights Office
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington D.C. 20554

Leon Jackler
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington D.C. 20554